



Bowles & Johnson

June 6, 2023

By ECF / PACER

The Hon. Jennifer L. Rochon  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1920  
New York, NY 10007

In light of the fact that Defendants have not yet retained counsel or appeared in this action, IT IS HEREBY ORDERED that the Initial Pretrial Conference is adjourned to **June 28, 2023** at 11:30 a.m. in Courtroom 20B of the Daniel Patrick Moynihan United States Courthouse. Plaintiff's counsel shall inform Defendants of this date change, and shall update the Court no later than **June 21, 2023** as to the status of the action. When defense counsel has been retained, the parties shall meet and confer in accordance with FRCP 26 and file a new proposed Case Management Plan and Scheduling Order by that date.

SO ORDERED.

Dated: June 7, 2023  
New York, New York

  
JENNIFER L. ROCHON

Re: **Kuriyan v. Schreiber et al.** Case No. 1:23-cv-02381 (JLR) United States District Judge  
**Letter in Advance of Initial Pretrial Conference**

To the Honorable Court:

I represent the plaintiff Vikram Kuriyan ("Plaintiff") in the above-captioned matter. I write in compliance with the Court's March 27, 2023 notice of initial pretrial conference (Dkt. 6).

As of the date of his letter defendants Joel Schreiber and Waterbridge Capital, LLC (together "Defendants") in this matter have not yet engaged counsel. I spoke to Mr. Schreiber telephonically on the date of this letter, and he advised me that have no counsel, but that they intend to obtain counsel soon. I have provided a copy of this letter in draft form and the accompanying draft civil case management plan and scheduling order to Mr. Schreiber, but have received no comments as of the date and time of this letter. This letter is therefore sent on behalf of Plaintiff only.

This lawsuit is a civil Racketeer Influenced and Corrupt Organizations ("RICO") Act action. Plaintiff alleges that Defendants committed mail and wire fraud in that they lured Plaintiff into multiple loans and other investments, in full knowledge that Defendants would intentionally default on such loans and that the rates that Defendants set were usurious, and therefore utterly uncollectable. Plaintiff further alleges that Defendants conducted similar schemes with multiple other persons, and that this enterprise meets the elements of a RICO claim under 18 U.S.C. § 1962.

The RICO Act, and particularly 18 U.S.C. § 1962, provide federal question jurisdiction. Venue is proper under 18 U.S.C. § 1965 and 28 U.S.C. § 1391(b), (c), and (e) because the acts occurred in this jurisdiction, and because Defendant Waterbridge has an office and conducts business in this jurisdiction.

The only current deadline in this matter is June 15, 2023, which is Defendants' deadline to answer or otherwise respond to the Complaint. This deadline was set by stipulation and so ordered by the Court on May 19, 2023. Dkt. 13.

No motions are outstanding. No discovery has taken place yet in this matter. I have discussed

settlement briefly with Mr. Schreiber, and am prepared to make a settlement demand on behalf of Plaintiff, but as of the date of this letter no firm offers or demands have been made.

As counsel has not yet been retained by Defendants, I have not yet had the opportunity to discuss alternative dispute resolution mechanisms with Defendants' counsel.

In accordance with the Court's orders, we have served a copy of the Court's March 27, 2023 notice of initial pretrial conference on Defendants, and have reminded Mr. Schreiber of the court conference upcoming on June 13, 2023.

We appreciate the Court's attention to these matters.

Yours very truly,



David K. Bowles  
Bowles & Johnson PLLC